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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Note verbale dated 1 October 2013 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

The Permanent Mission of Cuba to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith the declaration of the Fourth Cuban Civil Society Forum for the Liberation of the Five Heroes, held in Havana on 20 September 2013 (see annex).

The Permanent Mission of Cuba would be grateful if the present note and its annex could be circulated as a document of the General Assembly under agenda item 69 (b).

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Annex to the note verbale dated 1 October 2013 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

Declaration of the Fourth Cuban Civil Society Forum for the Liberation of the Five Heroes

Havana, 20 September 2013

The fourth forum of Cuban civil society organizations and international organizations based in Cuba for the liberation of the Five Cuban Heroes, gathered in Cuba on the occasion of the world day for their release, reiterates its denunciation and condemnation of the unjust imprisonment of Gerardo Hernández, Ramón Labañino, Antonio Guerrero and Fernando González, who have been held in the United States for 15 years. One of the heroes, René González, returned to Cuba recently after serving his full sentence. It would be unacceptable and extremely cruel to apply the same criterion to the other four, because their sentences are much longer and, if that were to happen, Gerardo Hernández would die in prison.

The five heroes were given excessive sentences for crimes that were never proven in their rigged trial in Miami, which was held without due process in an extremely hostile climate, as has been shown by the attorneys for the defence and recognized by prestigious international organizations of independent jurists.

Before and after the trial, and while the jury was deliberating, the United States Government made secret and illegal payments to journalists in return for articles giving the public and the jury the impression that the five Cubans were guilty. On those grounds alone, that trial should be declared void.

The United States attorney's office failed to prove any of the charges, and the court unjustly passed life sentences on defendants who had not acquired or handed over any secret information and had not harmed the United States.

These five patriots monitored terrorist anti-Cuban organizations, which have operated with impunity for years in the United States, to prevent new destructive acts against Cuba.

On 27 May 2005, the United Nations Working Group on Arbitrary Detention determined that their deprivation of liberty was arbitrary and urged the United States Government to take the necessary steps to rectify the situation.

The Cuban heroes have been the victims of cruel, inhuman and degrading treatment and punishment intended to break their will and make them confess to crimes they never committed. Their relatives have also suffered harassment and the violation of their rights; some have borne the pain of not being able to visit them as a result of bans imposed by the United States authorities.

In the face of this injustice, the Forum of Cuban civil society organizations has a moral, civic and humanitarian duty to denounce the case of the Five, to help publicize the manner in which the United States has contravened its own laws, legal procedures and regulations, and to highlight the gross legal and human rights violations committed in order to condemn them and keep them in prison for 15 years.

Because international public opinion and the United States people remain completely unaware of the case, the United States Government has been able to deny its responsibility. Four Cuban counter-terrorists remain imprisoned, and their human rights and those of their relatives are being violated.

We, the organizations of Cuban civil society, ask the United States people and all men and women of good will to hear and support our demand for the immediate release of our Cuban brothers who are unjustly held in United States prisons. From this Forum, we ask the President of the United States, Mr. Barack Obama, to put an end to this outrage, and to uphold justice and the rule of law in his country by immediately releasing Gerardo, Ramón, Antonio and Fernando, and by using his prerogative to right the wrongs committed by previous administrations in handling this case.

The fourth forum of Cuban civil society organizations for the liberation of our counter-terrorist fighters expects and respectfully requests the President of the United States, Barack Obama, to agree to our call, which is the outcry of the men and women of the valiant Cuban people.

Mr. President Obama, everyone believes 15 years is too long!